



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,138	09/29/2003	Francois Gaffe	825-02-614	2493

7590

11/19/2004

Leo H. McCormick Jr  
2112 Mishawaka Avenue  
P.O. Box 4721  
South Bend, IN 46634

EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/674,138

Applicant(s)

GAFFE ET AL.

Examiner

James M Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 9/29/03.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Figures 1-4;

Species II: Figures 5-7.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-3 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

Art Unit: 3679

showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Leo McCormick on 10/27/04 a provisional election was made without traverse to prosecute the invention of Species I, claims 1-10. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim 1 is generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 11-17, directed to the Species II are no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in France on 9/11/02. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It is unclear whether foreign priority is being claimed. It is unclear since "Yes" appears under the "No" heading.

***Specification***

Applicant is reminded of the proper language for an abstract of the disclosure.

The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.

The disclosure is objected to because of the following informalities:

Art Unit: 3679

The title should be shortened, and changed from "Quick-coupling Device, etc." as it appears on page 1.

The appropriate section headings, i.e. "Background of the Invention", "Summary of the Invention", etc., should be inserted throughout the specification.

Appropriate correction is required.

### ***Claim Objections***

Claims 1-17 are objected to because of the following informalities:

In claim 1 lines 1-2, the phrase "of the type" should be deleted.

In claim 1 line 5, "it" should be replaced with "the device".

In claim 1 line 8, "this" should be replaced with "the".

In claim 2 line 3, "this" should be replaced with "the".

In claim 2 line 4, it is unclear as to what "it" references. Should "it" be deleted?

In claim 3 lines 3-4, the phrase "when considering the lever (24) in the rest position" is awkward and unclear.

In claim 4 lines 1-2, the phrase "is of the second kind and" should be deleted.

In claim 4 line 4, the active part should be related to the guide eye recited in claim 3. The phrase "an active part" could be replaced with "the guide eye".

In claim 4 line 5, it is unclear what is inserted between the first and second ends of the lever.

In claim 5 line 1, "it" should be replaced with "the device".

Art Unit: 3679

In claim 5 line 2, "(30; 42)" should be replaced with "(30)" since the embodiment of Figures 5-7 does not include the active part of guide eye (28).

In claim 6 line 1, "it" should be replaced with "the device".

In claim 6 line 2, "these" should be replaced with "said retaining means".

In claim 6 line 3, "(30; 42)" should be replaced with "(30)" since the embodiment of Figures 5-7 does not include active part of guide eye (28).

In claim 8 lines 1-2, the phrase "retaining means comprise a" should be deleted.

In claim 8 line 3, "is" should be inserted before "roughly".

In claim 8 line 4, "collaborating" should be replaced with "and collaborates".

In claim 8 line 4, "a" should be replaced with "the".

In claim 9 line 2, the tab should be related to the means of elastically returning the lever recited in claim 6.

In claim 9 line 2, "this" should be replaced with "the".

In claim 9 line 3, "this" should be replaced with "the".

Claim 11, which is drawn to Species II, should depend from claims 1, 2, or 3, and not from claim 8. Claims 4-8 are drawn to Species I and not to Species II.

Should claim 12 depend from claim 11?

With claim 11 depending from claims 1, 2, or 3, in claim 12, "the means of elastically returning the lever" lacks antecedent basis; "the means" should be replaced with "a means".

In claim 14 line 1, "it" should be replaced with "the device".

Art Unit: 3679

In claim 16, "the male member" be "each male member" since there are two male member (see claim 14).

In claim 17 line 2, the phrase "of the type" should be deleted.

In claim 17 line 3, the recited brake fluid pipe (14) should be related to the male member(s) (14E).

Appropriate correction is required.

### ***Allowable Subject Matter***

Claims 1-17 are objected to, but would be allowable if rewritten to overcome the above noted objections (see ***Claim Objections*** above).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

This application is in condition for allowance except for the above formal matters:

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

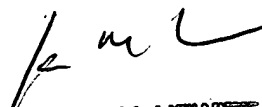


Art Unit: 3679

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**JAMES M. HEWITT**  
**PRIMARY EXAMINER**